



Office of the City Clerk

City Hall
121 N. LaSalle St.
Room 107
Chicago, IL 60602
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Legislation Text

File #: SO2014-2338, Version: 1

**FINAL FOR
PUBLICATION**

SUBSTITUTE ORDINANCE BE IT ORDAINED BY

THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. That the Chicago Zoning Ordinance be amended by changing all of the M1-1 Limited Manufacturing/Business Park District symbols and indications as shown on Map 7-K in the area bounded by:

West George Street; a line 286.97 feet west of and parallel to North Pulaski Road; a line 314.64 feet south of and parallel to West George Street; a line 100 feet west of and parallel to North Pulaski Road; a line 323.14 feet south of and parallel to West George Street; North Pulaski Road; West Diversey Avenue; and the Easterly Right of Way Line of the Chicago, Milwaukee, St. Paul & Pacific Railroad Company; a line 673.08 feet northwest of and parallel to the north line of West Diversey Avenue (as measured along the Easterly Right of Way line of the Chicago, Milwaukee, St. Paul & Pacific Railroad Company); the west boundary line of North Kearsarge Avenue.

to those of C2-2 Motor Vehicle-Related Commercial District.

SECTION 2. That the Chicago Zoning Ordinance be amended by changing all of the C2-2 Neighborhood Commercial District symbols and indications as shown on Map 7-K in the area bounded by:

West George Street; a line 286.97 feet west of and parallel to North Pulaski Road; a line 314.64 feet south of and parallel to West George Street; a line 100 feet west of and parallel to North Pulaski Road; a line 323.14 feet south of and parallel to West George Street; North Pulaski Road; West Diversey Avenue; and the Easterly Right of Way Line of the Chicago, Milwaukee, St. Paul & Pacific Railroad Company; a line 673.08 feet northwest of and parallel to the north line of West Diversey Avenue (as measured along the Easterly Right of Way line of the Chicago, Milwaukee, St. Paul & Pacific Railroad Company); the west boundary line of North Kearsarge Avenue.

to those of Planned Development No.

SECTION 2. This Ordinance shall be in force and effect from and after its due publication.

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PLANNED DEVELOPMENT NO.
PLAN OF DEVELOPMENT BULK REGULATIONS
AND DATA TABLE

Gross Site Area: 751,345 square feet

Public R-O-W: 59,349 square feet

Net Site Area - Total: 691,996 sq. ft.

Maximum Floor Area Ratio 2.2

Total Maximum Floor Area (sf): 1,522,391 sq. ft.

Maximum No. Live Work Units: 84

Maximum Site Coverage: Per Site Plan

Minimum No. of Bike Parking: 50

Parking requirements:

Live-Work-Units:

Office:

Minimum Number of Off-Street Parking Spaces (See Note 1)

1 space per unit -

1.5 spaces per 1,000 square feet 623 spaces

Minimum Number of Off-Street Loading Berths

Maximum Building Height (feet)

Note 1: The parking facilities may be used on a shared basis to satisfy the accessory parking requirements for multiple uses within this planned development.

The following uses shall be subject to the following requirements:

If a Food & Beverage Retail Sales use is established in Subarea A or B, then 67 parking spaces in the east surface parking lot along North Pulaski Road shall be installed.

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PLANNED DEVELOPMENT NO. PLANNED DEVELOPMENT STATEMENTS

1. The area delineated herein as Planned Development Number _____, ("Planned Development") consists of approximately 691,996 square feet of property which is depicted on the attached Planned Development Boundary and Property Line Map ("Property") and is owned or controlled by 4K Diversey Partners, LLC (the "Applicant").
2. The requirements, obligations and conditions contained within this Planned Development shall be binding upon the Applicant, its successors and assigns and, if different than the Applicant, the legal title holders and any ground lessors. All rights granted hereunder to the Applicant shall inure to the benefit of the Applicant's successors and assigns and, if different than the Applicant, the legal title holder and any ground lessors. Furthermore, pursuant to the requirements of Section 17-8-0400 of the Chicago Zoning Ordinance, the Property, at the time of application for amendments, modifications or changes (administrative, legislative or otherwise) to this Planned Development, shall be under single ownership or designated control. Single designated control is defined in Section 17-8-0400 of the Zoning Ordinance.
3. All applicable official reviews, approvals or permits are required to be obtained by the Applicant or its successors, assignees or grantees. Any dedication or vacation of streets or alleys or grants of easements or any adjustment of the right-of-way shall require a separate submittal to the Chicago Department of Transportation ("CDOT") on behalf of the Applicant or its successors, assigns or grantees.

Any requests for grants of privilege, or any items encroaching on the public way, shall be in compliance with the Plans (as defined in Statement 4 below).

Ingress or egress shall be pursuant to the Plans and may be subject to the review and approval of the Department of Planning and Development ("DPD") and CDOT. Closure of all or any public street or alley during demolition or construction shall be subject to the review and approval of CDOT.

All work proposed in the public way must be designed and constructed in accordance with CDOT Construction Standards for Work in the Public Way and in compliance with the Municipal Code of the City of Chicago. Prior to the issuance of any Part II approval, the submitted plans must be approved by CDOT.

The applicant commits to provide and fully fund the installation of a traffic signal at the intersection of W Diversey Avenue and N Karlov Avenue prior to the issuance of the Certificate of Occupancy for the interior

parking garage for the development.

The applicant commits to provide and fully fund the installation of countdown pedestrian signals at the intersection of W Diversey Avenue and N Kostner Avenue prior to the issuance of the Certificate of Occupancy for any portion of the development.

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The applicant commits to provide and fully fund the installation of thermoplastic pavement markings on W Diversey Avenue from N Pulaski Road to the viaduct to the west (approximately 1,250 feet) including continental-style crosswalks at the intersections of Diversey/Pulaski and Diversey/Kostner prior to the issuance of the Certificate of Occupancy for any portion of the development. All pavement marking plans must be approved by CDOT prior to the installation.

4. This Plan of Development consists of seventeen (17) Statements: a Bulk Regulations Table; an Existing Land Use Map; an Existing Zoning Map; a Planned Development Property Line and Boundary Map; Site Plan; Sub-Area Plan; Landscape Plan; Overall Landscape Plan; Green Roof Plan and Building Elevations (North, South, East and West) prepared by Hirsch Associates LLC and dated October 16, 2014 submitted herein. Full-sized copies of the Site Plan, Landscape Plan and Building Elevations are on file with DPD. In any instance where a provision of this Planned Development conflicts with the Chicago Building Code, the Building Code shall control. This Planned Development conforms to the intent and purpose of the Zoning Ordinance, and all requirements thereto, and satisfies the established criteria for approval as a Planned Development. In case of a conflict between the terms of this Planned Development Ordinance and the Zoning Ordinance, this Planned Development Ordinance shall control.
5. Business Live/Work Units are defined for purposes of this planned development as a space within a building (a) that combines a commercial use with a living space for the owner of the commercial establishment and that person's household, (b) where the resident owner of the commercial establishment is responsible for the commercial use on the premises; and (c) where the commercial use takes place subject to a valid business license, if applicable, associated with the premises and based on the commercial activity conducted therein. A Business Live/Work Unit may include Artist Live/Work Space, but only in conjunction with the following uses: "art galleries," artist studios; "software design office," and architectural design office. Business Live/Work Units shall adhere to the Use Restrictions in 17-9-0103.1 of the Chicago Zoning Ordinance, with exception of 17-9-0103.1-C.3 and C.5, from which they shall be exempt in this planned development.

Subarea A and B: Business Live/Work Units; Artist Work or Sales Space; Office; Business Support Services; Outdoor Patio; Communication Service Establishments; Restaurant, General; Food and Beverage Retail Sales; Retail Sales, General and accessory parking.

Subarea C: Business/Trade School; Day Care; Postal Service; Artist Work or Sales Space; Building Maintenance Services; Business Equipment and Sales Service; Business Support Services; Urban Farm - Indoor and/or Rooftop Operation; Communication Service Establishments; Building Material Sales; Office; High Technology Office; Residential Storage Warehouse; Retail Sales, General; Restaurant, General; Food and Beverage Retail Sales; Indoor Vehicle Storage; Artisan and Limited Manufacturing limited to Indoor Storage; Warehousing, Wholesaling and Freight Movement; Wireless Communication Facilities & Co-Located; and accessory parking.

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Subarea D: Business/Trade School; Building Maintenance Services; Business Equipment and Sales Service; Business Support Services; Urban Farm - Indoor and/or Rooftop Operation; Communication Service Establishments; Building Material Sales; Residential Storage Warehouse; Artisan and Limited Manufacturing limited to Indoor Storage; Restaurant, General; Food and Beverage Retail Sales; Office; High Technology Office; Electronic Data Storage Center; Indoor Vehicle Storage; Warehousing, Wholesaling and Freight Movement; Wireless Communication Facilities & Co-Located and accessory parking.

Subarea E and F: Building Maintenance Services; Business Equipment and Sales Service; Business Support Services; Communication Service Establishments; Building Material Sales; Residential Storage Warehouse; Indoor Vehicle Storage; Artisan and Limited Manufacturing limited to Indoor Storage; Warehousing, Wholesaling and Freight Movement; Wireless Communication Facilities & Co-Located; Office as an accessory use; and accessory parking.

The following uses are prohibited in this Planned Development:

Colleges and Universities; Cultural Exhibits and Libraries, Hospitals; Parks and Recreational Uses; Body Art Services; Tavern; Lodging, Bed and Breakfast, Vacation Rental; Freestanding (Towers) Wireless Communication Facilities; Contractor/Construction Storage Yard; Outdoor Vehicle Storage and Towing; Motor Vehicle Repair Shop; Vehicle Sales and Service; Amusement Arcades and Children's Play Center; Roof Top Patios; Non-accessory parking; Class I - II Recycling Facilities; Repair or Laundry Service (Consumer); Automated Teller Machine Facility; Personal Service; Undertaking; Medical Service; and Entertainment and Spectator Sports Uses.

6. On-Premise signs and temporary signs, such as construction and marketing signs, shall be permitted within the Planned Development, subject to the review and approval of DPD.
Off-Premise "signs are prohibited within the boundary of the Planned Development: "

7. For purposes of height measurement, the definitions in the Zoning Ordinance shall apply. The height of any building shall also be subject to height limitations, if any, established by the Federal Aviation Administration.
8. The maximum permitted Floor Area Ratio ("FAR") for the site shall be in accordance with the attached Bulk Regulations Table. For the purposes of FAR calculations and measurements, the definitions in the Zoning Ordinance shall apply. The permitted FAR identified in the Bulk Regulations Table has been determined using a Net Site Area of 691,996 square feet.
9. Upon review and determination, "Part II Review", pursuant to Section 17-13-0610 of the Zoning Ordinance, a Part II Review Fee shall be assessed by DPD. The fee, as determined by staff at the time, is final and binding on the Applicant and must be paid to the Department of Revenue prior to the issuance of any Part II approval.

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10. The Site and Landscape Plans shall be in substantial conformance with the Landscape Ordinance and any other corresponding regulations and guidelines. Final landscape plan review and approval will be by DPD. Any interim reviews associated with site plan review or Part II reviews, are conditional until final Part II approval.
11. The Applicant shall comply with Rules and Regulations for the Maintenance of Stockpiles promulgated by the Commissioners of the Departments of Streets and Sanitation, Fleet and Facility Management and Buildings, under Section 13-32-125 of the Municipal Code, or any other provision of that Code.
12. The terms and conditions of development under this Planned Development ordinance may be modified administratively, pursuant to Section 17-13-0611-A of the Zoning Ordinance by the Zoning Administrator upon the application for such a modification by the Applicant, its successors and assigns and, if different than the Applicant, the legal title holders and any ground lessors.
13. The Applicant acknowledges that it is in the public interest to design, construct and maintain the project in a manner which promotes, enables and maximizes universal access throughout the Property. Plans for all buildings and improvements on the Property shall be reviewed and approved by the Mayor's Office for People with Disabilities to ensure compliance with all applicable laws and regulations related to access for persons with disabilities and to promote the highest standard of accessibility.
14. The Applicant acknowledges that it is in the public interest to design, construct, renovate and maintain all buildings in a manner that provides healthier indoor environments, reduces operating costs and conserves

energy and natural resources. With respect to Subareas A-D, the Applicant shall exceed ASHRAE 90.1 - 2004 by at least 14% and provide a green roof of not less than ~50% of the net roof area which is equivalent to an actual total of 74,068 square feet. Some or all of the foregoing green roof requirement may be satisfied by providing one or a combination of the following options: (a) vegetative green roof, (b) provide solar panels with an array size equivalent to 25% of the area required for the green roof (i.e., in lieu of 50,000 square feet of green roof, providing 12,500 sf of solar panels) or (c) providing Best Management Practice (BMP) by offsetting the equivalent stormwater value of a green roof either in a cistern, a rain garden, pervious hardscape or other method which will divert the equivalent value achieved by a green roof from the stormwater system. At the time of each Part II review for all or portions of Subareas A-D involving over 50,000 square feet of floor area, the Applicant shall submit a report demonstrating its progress towards the sustainability requirements set forth herein, which may be updated with subsequent phases of development. Subareas E and F shall be exempt from the requirements set forth in this Statement 14.

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15. The Applicant acknowledges that the Planned Development includes a building commonly known as the Marshall Field & Co. Warehouse Building and identified as potentially significant in the Chicago Historic Resources Survey. Pursuant to the Zoning Ordinance, Section 17-8-0911 and Section 13-32-230 of the Municipal Code, the Applicant acknowledges that planned developments should give priority to the adaptive reuse of historic buildings which have been designated as an orange building in the Chicago Historic Resources Survey. Therefore, the applicant agrees, where possible, to retain and preserve the existing character-defining features of the building. The character-defining features are identified as all exterior elevations, including rooflines that are visible from the public rights-of-way; however, the Applicant may add or modify openings, entries or windows to accommodate tenant uses. In general, existing original features and materials of the character-defining features should be retained and preserved as much as reasonably possible, while any changes should be compatible with the building's current design and, where possible, historic character. Such work to the character-defining features shall be subject to the review and approval of the Department of Planning and Development as a part of the Part II Review.
16. The Applicant acknowledges and agrees that the rezoning of the Property from the M1-1 Limited Manufacturing/Business Park District to the C2-2 Motor Vehicle-Related Commercial District then to Residential-Business Planned Development for construction of this Planned Development triggers the requirements of Section 2-45-110 of the Municipal Code (the "Affordable Housing Ordinance"). Any developer of a "residential housing project" within the meaning of the Affordable Housing Ordinance ("Residential Project") must: (i) develop affordable housing units as part of the Residential Project; (ii) pay

a fee in lieu of the development of affordable housing units; or (iii) any combination of (i) and (ii). In accordance with these requirements and the Affordable Housing Profile Form attached hereto as Exhibit [] J, the Applicant has agreed to provide 9 affordable housing units in the " Residential' Project Tor households' earning up to 60% of the Chicago Primary Metropolitan Statistical Area median income (the "Affordable Units"), or make a cash payment to the Affordable Housing Opportunity Fund in the amount of \$100,000 per unit ("Cash Payment"). At the time of each Part II review for the Residential Project, Applicant may update and resubmit the Affordable Housing Profile Form to the Department of Planning and Development ("DPD") for review and approval. If the Applicant subsequently reduces the number of dwelling units in the Residential Project, DPD may adjust the requirements of this Statement 16 (i.e., number of Affordable Units and/or amount of Cash Payment) accordingly without amending the Planned Development. Prior to the issuance of any building permits for the Residential Project, including, without limitation, excavation or foundation permits, the Applicant must either make the required Cash Payment, or execute an Affordable Housing Agreement in accordance with Section 2-45-110(i)(2). The terms of the Affordable Housing Agreement and any amendments thereto are incorporated herein by this reference. The Applicant acknowledges and agrees that the Affordable Housing Agreement will be recorded against the Residential Project and will constitute a lien against each Affordable Unit. The City shall execute partial releases of the Affordable Housing Agreement prior to or at the time of the sale of each Affordable Unit to an income-eligible

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buyer at an affordable price, subject to the simultaneous execution and recording of a mortgage, restrictive covenant or similar instrument against such Affordable Unit. The Commissioner of DPD may enforce remedies for breach of the Affordable Housing Agreement, and enter into settlement agreements with respect to any such breach, subject to the approval of the Corporation Counsel, without amending the Planned Development.

17. This Planned Development shall be governed by Section 17-13-0612 of the Zoning Ordinance. Should this Planned Development ordinance lapse, the Commissioner of DPD shall initiate a Zoning Map Amendment to rezone the property to C2-2.

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